

APPEAL NO. 022845  
FILED DECEMBER 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq. (1989 Act). A contested case hearing was held on October 17, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 9th and 10th quarters. The claimant appeals every adverse finding of fact and conclusion of law by the hearing officer. The respondent (carrier) replies urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant is not entitled to SIBs for the 9th and 10th quarters. Eligibility criteria for SIBs entitlement are set forth in Section 408.142(a) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102 (Rule 130.102). In regard to the 9th quarter of SIBs, the hearing officer determined that the claimant had an ability to work, and although he documented a job search each week of the qualifying period, the claimant did not make a good faith effort to seek employment commensurate with his ability to work, but rather was merely attempting to qualify for SIBs. In regard to the 10th quarter of SIBs, the hearing officer determined that the claimant had an ability to work, but that he did not make a good faith effort to seek employment commensurate with his ability to work because he did not document that he made a job search every week of the qualifying period for the 10th quarter of SIBs. Whether the claimant attempted in good faith to obtain employment commensurate with his ability to work pursuant to Rule 130.102(e) is a question of fact for the hearing officer. Upon review of the record, we conclude that the hearing officer's determination that the claimant is not entitled to SIBs for the 9th and 10th quarters is supported by the evidence, and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Veronica Lopez  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge